

FILED

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

Person of Matthew CARRILLO
(YOB:1987; SSN: XXX-XX-3615)
for DNA sample by way of buccal swab

Case No. **24mr18**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A

located in the _____ District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 922(g)(1)	Felon in Possession of a Firearm

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days *(give exact ending date if more than 30 days: _____)* is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Erik Haanes

Applicant's signature

Erik Haanes, Special Agent, ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephonically sworn and electronically signed *(specify reliable electronic means)*.

Date: 01/04/2024

City and state: Albuquerque, NM

B Paul Briones
Judge's signature

Honorable B. Paul Briones, U.S. Magistrate

Printed name and title

AFFIDAVIT FOR SEARCH WARRANT

AGENT BACKGROUND AND EXPERIENCE

1. Erik Haanes, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. Beginning in September 2014, I attended a 26-week ATF academy in Glynco, Georgia that certified me as an ATF Special Agent.
3. As a Special Agent with the ATF, and my prior experience as a local law enforcement officer, I have conducted physical surveillance, interviewed sources of information and defendants, served search warrants and arrest warrants, investigated firearms and drug trafficking, and assisted on undercover firearms and narcotic investigations. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal narcotics and firearms laws.
4. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18, 21, and 26, United States Code.
5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 922(g)(1), that being felon in possession of a firearm, have been committed by Matthew CARRILLO.

INTRODUCTION

7. I make this application in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Matthew CARRILLO (born in 1987, SSN: XXX-XX-3615)—specifically, to collect deoxyribonucleic acid (DNA) samples from CARRILLO by way of buccal swabs. As described below, there is probable cause to believe CARRILLO's DNA may be present on a firearm seized by law enforcement in the course of this investigation. Therefore, this warrant seeks authorization to collect two (2) DNA samples from CARRILLO in order to compare that sample with samples collected from the lawfully seized evidence in this case.
8. CARRILLO is currently being housed at the Metropolitan Detention Center (MDC).
9. Because this affidavit was authored for the limited purpose of establishing probable cause, it does not include each and every fact known to me from this investigation. In authoring

this affidavit, I relied on the reports and statements of other law enforcement officers and involved parties in order to ascertain the facts of the case and author this affidavit.

PROBABLE CAUSE

10. On October 19, 2023, ATF Special Agent (S/A) Erik Haanes reviewed Albuquerque Police Department (APD) report 230069455 concerning Matthew CARRILLO's possession of a firearm during contact with officers of the Albuquerque Police Department (APD).
11. According to police reports, on August 29, 2023, a license plate reader (LPR) at San Mateo and Central was triggered when a stolen vehicle passed through the intersection. Sgt Whitten located the vehicle at a Murphy's gas station. Sgt Whitten maintained visual surveillance of the vehicle while coordinating with other police units.
12. The vehicle departed the gas station and Officer Benavidez was able to deploy a Star Chase tracking dart on the vehicle. Immediately after, Officer Benavidez turned on her emergency equipment to initiate a traffic stop and the vehicle fled. Sgt Higdon deployed stop sticks on the vehicle which ultimately deflated at least one of vehicle's tires. The vehicle came to a stop and Officer Smith observed three (3) male subjects run from the vehicle.
13. One of the males, later identified as Matthew CARRILLO, was observed running from an open door on the passenger's side of the stolen vehicle and ran through an alleyway. Officer Smith ran after CARRILLO and instructed him to stop multiple times. CARRILLO continued to run away and was observed reaching into his waistband with his right hand. Officer Smith observed CARRILLO quickly move his right hand upwards and throw a black object over a fence. Officer Smith told CARRILLO to stop at which point he did. While CARRILLO was placed in handcuffs, Officer Smith observed an empty holster tucked into the front of CARRILLO's pants.
14. Officer Smith retraced the area CARRILLO had previously thrown the black object described above and located a Glock handgun laying in the dirt with the magazine dislodged from it. Officer Smith collected the firearm and observed there to be one (1) round of ammunition in the chamber. Officer Smith noted that the firearm was the same size and color of the black object that he observed CARRILLO throw. Officers queried the firearm in NCIC which returned stolen.
15. On October 19, 2023, S/A Haanes went to APD evidence and examined the Glock firearm associated with CARRILLO. S/A Haanes determined the firearm is a Glock, model 21Gen4, .45 Auto caliber pistol with serial number AGRA500. S/A also examined the ammunition associated with the firearm and determined there were eight (8) rounds of .45 caliber ammunition.
16. S/A Haanes determined CARRILLO has been convicted on the felony crime of Aggravated Assault Against a Household Member (Deadly Weapon) in case D-202-CR-201002713, out of Second Judicial District Court, State of New Mexico.

17. S/A Haanes determined the firearm and ammunition were not manufactured in New Mexico, therefore affecting interstate commerce.
18. Furthermore, I know it is common for an individual's DNA to be transferred to items handled by that individual; in this case, the item is the firearm described above. Based upon these facts, I respectfully request that a search warrant be issued for CARRILLO to collect two (2) samples of buccal cells for forensic analysis and for use as evidence in court as I believe there is probable cause that CARRILLO possessed the firearm and ammunition that he threw over a fence and was subsequently recovered by officers.

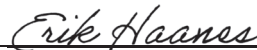
MANNER OF COLLECTION

19. Based on my training and experience, I know the buccal swab samples from CARRILLO can, and will, be obtained without unnecessary discomfort to CARRILLO, in private, and under circumstances where he will feel little or no pain or embarrassment. Should REYES refuse to cooperate in the collection process, I respectfully request authorization to utilize reasonable force in obtaining buccal swabs from him.

CONCLUSION

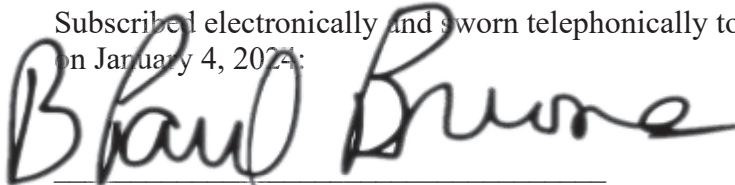
20. Based on the facts outlined above, I submit there is probable cause to believe CARRILLO's DNA will be found on the firearm described above. Therefore, I respectfully request that the Court issue a search warrant authorizing the collection of buccal cells from CARRILLO for the purpose of conducting forensic analysis.
21. This search warrant affidavit was reviewed and approved by Assistant United States Attorney Samuel A. Hurtado.

Respectfully submitted,



Erik Haanes
Special Agent
ATF

Subscribed electronically and sworn telephonically to me
on January 4, 2024:



HONORABLE B. Paul Briones
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

PERSON TO BE SEARCHED

The person of Matthew CARRILLO (born in 1987), so long as he is in the District of New Mexico at the time of the search. Currently, CARRILLO is at the Metropolitan Detention Center (MDC) located at 100 Deputy Dean Miera Dr SW, Albuquerque, NM 87121.

ATTACHMENT B
ITEMS TO BE SEIZED

Law enforcement will collect a Deoxyribonucleic Acid (“DNA”) sample from Matthew CARRILLO (born in 1987) by way of buccal swabs.